

the selected input device.

33. (New) The method as recited in claim 32, wherein the plurality of input devices includes at least one of a radio receiver, a microphone and a cassette deck.

34. (New) The electrical device as recited in claim 21, wherein the read/record unit is configured to be mounted in an automobile.

REMARKS

I. INTRODUCTION

Claims 11, 21, 26, 28 and 29 have been amended to clarify the subject matter recited therein. Claims 31-34 have been added. No new matter has been added. Reconsideration of the present application is requested.

II. INFORMATION DISCLOSURE STATEMENT

The Office Action states that the Information Disclosure Statement filed on March 18, 1999, "fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because fail to provide translations."

Respectfully, Applicants are not required to provide translations of the references provided therewith. With respect to non-English information, Applicants are merely required to provide a "concise statement of relevance." In accordance with, e.g., MPEP 609 A(3), where the information is listed in a search report, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report which indicates the degree of relevance found by the foreign office. This may be an explanation of which portion of the reference is particularly relevant, to which claims it applies, or merely an "X", "Y" or "A" indication

on the search report. As regards to five of the six references listed by Applicants, such references appear on the International Search Report, an English-language of which was provided by Applicants to the U.S.P.T.O. when the present application was filed. An additional copy of this search report is annexed hereto for the Examiner's convenience. Applicants have also noted on the PTO Form-1449 which references these are.

Notwithstanding the foregoing, Applicants submit herewith an English translation of DE 3812120 (listed on the International Search Report as an "A" (background) reference), since the Examiner relies on this particular reference to reject claims 11, 12, 21 and 22 .

As regards to DE 37 21 279, Applicants have noted on the PTO Form-1449 that this reference is described in the specification. Accordingly, the concise statement of relevance may be found there. See, e.g., page 5, lines 10-15. This alone, should be satisfactory to meet the requirements. However, for the Examiner's convenience, annexed hereto is an English abstract of DE 37 21 279.

It is respectfully requested that the Examiner fully consider the references listed in connection with Applicants' IDS, and provide Applicants with an initialed copy of the corresponding Form-1449 with the next communication.

III. REJECTION OF CLAIMS 11-12 AND 21-22 UNDER
35 U.S.C. § 102

Claims 11-12 and 21-22 were rejected under 35 U.S.C. § 102(b) as anticipated by German Patent No. 3812120 to Sklorz et al. ("Sklorz et al."). Applicants respectfully submit that Sklorz et al. does not anticipate claims 11-12 and 21-22 for at least the following reasons.

Sklorz et al. relates to a radio receiver having a recording device for traffic information received via radio

broadcasting. A chip is used as a storage medium for the traffic information. According to Sklorz et al., the hip is an integral part of the radio receiver. If the radio receiver receives a signal characterizing a traffic message, a traffic message already contained in the storage medium is deleted, and the just-received traffic message is subsequently digitized and written into the storage chip. The message stored in the chip may be read out from the storage at any time by pressing a button, and reproduced via the loudspeakers of the radio receiver.

The embodiments of the present invention, as recited in claims 11 and 21, differ substantially from the system described by Sklorz et al. As recited in these claims, the chip is not fixedly integrated into the record/read unit, but is a component of a **chip card** which may be removed from the record/read unit. Claim 11, for example, recites "**removably receiving the chip card** from a user by the record/read unit"; and claim 21 recites "a record/read unit that is **configured to removably receive a chip card** from a user." A great advantage of this design approach is that information stored on the chip card may also be reproduced using other devices. Sklorz et al. do not disclose or even suggest a chip card, nor removably receiving such a chip card.

In view of the foregoing, it is respectfully submitted that Sklorz et al. do not anticipate any of claims 11, 12, 21 and 22. Withdrawal of the rejection of claims 11, 12, 21 and 22 is, therefore, requested.

IV. REJECTION OF CLAIMS 11, 13-15, 17-19, 21 AND 23-30 UNDER 35 U.S.C. § 102

Claims 11, 13-15, 17-19, 21, and 23-30 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,315,207 to Eisele et al. ("Eisele et al."). Applicants respectfully submit that Eisele et al. do not anticipate claims 11, 13-15, 17-19, 21, and 23-30, for at least the following reasons.

As an initial matter, it is noted that although the Examiner has not rejected claim 16 in view of Eisele et al. (see page 5 of the Office Action), the Examiner mentions claim 16 (page 6 of the Office Action) in the discussion that follows the rejection of claims 11, 13-15, 17-19, 21 and 23-30.

As regards claims 11, 13-15, 17-19, 21 and 23-30, Applicants submit that Eisele et al. do not disclose at least removably receiving a **chip card** (as recited in claim 11) or a record/read unit configured to removably receive a **chip card**. Eisele et al. describe a "smart diskette." Eisele et al. specifically reject use of a chip card. For example, Eisele et al. state the following:

The disadvantages of a chip card are that an insufficient amount of patient data can be stored on this medium and that special read/write devices are required.

With this invention the disadvantages stated are complete eliminated. The diskette drive of any personal computer and the magnetic interface located in the element itself sever as the interface for the reading and writing of the patients data.

Accordingly, Eisele et al. specifically teach away from the use of a chip card. For at least this reason, Eiselete et al. do not anticipate (or render obvious, for that matter) and of the pending claims. Withdrawal of the rejection of

claims 11, 13-15, 17-19, 21, and 23-25, and 27-30 under 35 U.S.C. § 102(e) is, therefore, requested.

V. REJECTION OF CLAIM 20 UNDER 35 U.S.C. § 103

Claim 20 was rejected under 35 U.S.C. § 103(a) as unpatentable over Eisele et al. Applicants respectfully submit that Eisele et al. does not anticipate claim 20 for at least the following reasons.

As an initial matter, claim 20 depends from claim 11. As described above in connection with claim 11, Eisele et al. specifically teach away from the use of a chip card. Moreover, Eisele et al. does not suggest the additional feature of claim 20. The Examiner has not identified any particular reason why such subject matter would be obvious over the Eisele et al., and thus has not established a prima facie case of obviousness.

In view of at least the foregoing, it is submitted that Eisele et al. do not render obvious claim 20. Accordingly, the rejection of claim 20 under 35 U.S.C. § 103 should be withdrawn.

VI. NEW CLAIMS

New claims 31-34 have been added. Claim 32, for example, recites selecting the input device from a plurality of input devices (see also claims 26 and 29). Claim 34 recites that the record/read unit is configured to be mounted in an automobile. Support for the subject matter of all of the new claims can be found throughout the present disclosure.

VII. CONCLUSION

In light of the foregoing, it is respectfully submitted that all pending claims are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

Dated: 5 June 2005

By: *[Signature]*
Richard L. Mayer
(Reg. No. 22,490)

KENYON & KENYON
One Broadway
New York, New York 10004
(212) 425-7200

CUSTOMER NO. 26646



26646

PATENT TRADEMARK OFFICE

597694v1

AMENDMENT VERSION WITH MARKINGS SHOWING CHANGES MADE

IN THE CLAIMS:

Please amend the claims as follows:

11. (Amended) A method for storing and playing back a message via an electrical device, the electrical device including a record/read unit for a chip card, the method comprising the steps of:

removably receiving the chip card from a user by the record/read unit;

inputting acoustically the message via at least one of a microphone, a radio receiver and a cassette deck;

digitizing the inputted message via a voice digitization module;

storing the digitized message in a memory module of the chip card[, the chip card being introduced into] removably received by the record/read unit; and

outputting from the memory module of the chip card at least one of (A) the stored message upon request automatically after the electrical device is powered up and (B) the stored message upon request in a user-initiated fashion.

21. (Amended) An electrical device, comprising:

a record/read unit [for] that is configured to removably receive a chip card from a user;

an input device for inputting an acoustic message;

a voice digitization module for digitizing the received acoustic message; and

a control system, the control system storing the digitized message in a memory module of the chip card,

AMENDMENT VERSION WITH MARKINGS SHOWING CHANGES MADE

the chip card being inserted into the record/read unit by a user , the record/read unit outputting the stored message when at least one of (A) the electrical device is powered up and (B) a user-initiation commences.

26. (Amended) The electrical device according to claim 21, wherein the input device includes circuitry[, the circuitry being] adapted to allow an audio input of the message via multiple input devices.

28. (Amended) An automobile radio device, comprising:
a record/read unit [for] that is configured to removably receive a chip card from a user;
a display;
an input device for inputting an acoustic message;
a voice digitization module for digitizing the received acoustic message; and
a control system including a microprocessor, the microprocessor storing the digitized message in a memory module of the chip card, the chip card being inserted into the record/read unit, the control system accommodating a voice output of the stored message, the record/read unit outputting the stored message via the display when at least one of (A) the automobile radio device is powered up and (B) a user-initiation commences.

29. (Amended) The automobile radio device according to claim 28, wherein the input device includes circuitry[, the circuitry being] adapted to allow an audio input of the message via multiple input devices.

AMENDMENT VERSION WITH MARKINGS SHOWING CHANGES MADE

Please add the following new claims:

31. (New) A method for storing and playing back a message via an electrical device, the electrical device including a record/read unit for a chip card, the method:

removably receiving a chip card from a user into the record/read unit;

acoustically receiving the message via an input device;

digitizing the received message via a voice digitization module;

storing the digitized message in a memory module of the chip card; and

outputting from the memory module of the chip card at least one of (A) the stored message upon request automatically after the electrical device is powered up and (B) the stored message upon request in a user-initiated fashion.

32. (New) The method as recited in claim 31; further comprising:

selecting the input device from a plurality of input devices, and wherein the acoustically receiving step includes acoustically receiving the message via the selected input device.

33. (New) The method as recited in claim 32, wherein the plurality of input devices includes at least one of a radio receiver, a microphone and a cassette deck.

34. (New) The electrical device as recited in claim 21,

Application Serial No. 09/269,037

AMENDMENT VERSION WITH MARKINGS SHOWING CHANGES MADE

wherein the read/record unit is configured to be mounted in an automobile.